



IAP6 Rec'd PCT/PTO 22 NOV 2006 PCT #

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pearson et al.

Atty. Dkt. No.: 2221.008B

Serial No.: 10/587,054

Filed : July 24, 2006

Group Art Unit: 1614

Examiner: Unknown

Title: COMPOUNDS AND METHODS FOR THE TREATMENT OF ASTHMA

Confirmation No.: 4648

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 20, 2006.

Philip E. Hansen  
Agent for Applicants  
Reg. No. 32,700

Date of Signature: November 20, 2006

TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35  
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US)**

Dear Sir:

This is a Response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/elected Office (DO/EO/US), mailed from the U.S. Patent and Trademark Office September 19, 2006. A response to the Notice was due on November 19, 2006. However, because November 19, 2006 fell on a Sunday, the accompanying Response and fee are timely filed under 37 C.F.R. § 1.7.

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Also attached is a Preliminary Amendment amending the claims to minimize excess claim fees by eliminating multiple dependent claims. Enclosed herewith is a check in the amount of \$740.00 (\$300.00 for excess independent claims; \$375 for excess total claims; and \$65.00 surcharge for late filing of executed Declaration) for outstanding fees due. Acceptance of this payment is respectfully requested.

Enclosed herewith are:

- (a) One (1) return receipt postcard;
- (b) A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
- (c) Preliminary Amendment (24 pages);
- (d) Executed Declaration and Power of Attorney; and
- (e) Check in the amount of \$740.00.

The Commissioner is hereby authorized to charge any deficiency or credit any refund to Deposit Account No. 08-1935.

11/27/2006 ATRAN1 00000037 10587054

01 FC:2617	65.00 OP
02 FC:2615	375.00 OP
03 FC:2614	300.00 OP

Respectfully submitted,



Philip E. Hansen

Agent for Applicant

Registration No. 32,700

Dated: November 20, 2006

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/587,054	JAMES Pearson	2221.008B

23405  
 HESLIN ROTHENBERG FARLEY & MESITI PC  
 5 COLUMBIA CIRCLE  
 ALBANY, NY 12203

PEH/MLB

INTERNATIONAL APPLICATION NO.	
PCT/US04/43082	
I.A. FILING DATE	PRIORITY DATE
12/23/2004	12/23/2003

CONFIRMATION NO. 4648

371 FORMALITIES LETTER



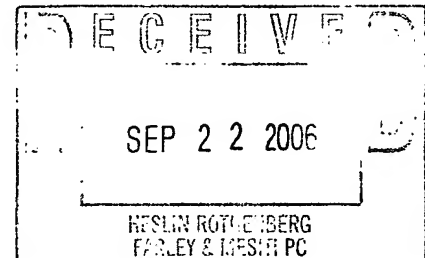
\*OC000000020478219\*

Date Mailed: 09/19/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/24/2006
- Copy of the International Search Report filed on 07/24/2006
- U.S. Basic National Fees filed on 07/24/2006
- Priority Documents filed on 07/24/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

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- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,**

**WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/587,054	PCT/US04/43082	2221.008B

FORM PCT/DO/EO/905 (371 Formalities Notice)